

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: H. C. Starck GmbH & Co. KG

Application No./Patent No.: 10/579291 Filed/Issue Date: May 15, 2006

Entitled: DUAL-PHASE HARD MATERIAL, METHOD FOR THE PRODUCTION THEREOF AND ITS USE

H. C. Starck GmbH & Co. KG, a  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)  
in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Wernicke, Klaus-Dieter, et al. To: H. C. Starck GmbH  
The document was recorded in the United States Patent and Trademark Office at Reel 018457, Frame 0281, or for which a copy thereof is attached.  
2. From: H. C. Starck GmbH To: Bayer Beteiligungsverwaltung Goslar GmbH  
The document was recorded in the United States Patent and Trademark Office at Reel 018766, Frame 0488, or for which a copy thereof is attached.  
3. From: Bayer Beteiligungsverwaltung Goslar GmbH To: H. C. Starck GmbH & Co. KG  
The document was recorded in the United States Patent and Trademark Office at Reel 019197, Frame 0734, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Ashley I. Pezzner  
Signature

8/9/07  
Date

Ashley I. Pezzner  
Printed or Typed Name

(302) 658-9141  
Telephone Number

Authorized Signer for Assignee  
Title

**Statement Under 37 CFR 3.73(b) Supplemental Sheet**

H.C. Stark GmbH & Co. KG's entire business has been transferred to H.C. Starck GmbH by way of merger and accretion. H.C. Starck GmbH & Co. KG's previous operative business is now managed by H.C. Starck GmbH.

Attached is a copy of an excerpt from the commercial register of the deregistration H.C. Starck GmbH & Co. KG and a copy of the excerpt from the commercial register of the registration H.C. Starck GmbH. The applicant is in the process of recording this paper.

# Certified Translation from German

Commercial Register B of the Amtsgericht Braunschweig

Printout  
Fetched on 7<sup>th</sup> June 2007 at 13:52 hours

Page 1 of 2

Number of the Firm:

HRA 200162

Regi- stration No.	a) Firm Name b) Domicile, Establishment, Branches c) Objective of the Company	a) General Representation b) Owners, General Partners, Managing Directors, Managing Board, Authorised Representatives and Special Power of Attorney	Prokura <sup>2</sup>	a) Legal Form, Commencement, Articles of Association b) Other Legal Relations c) Limited Partners, Members	a) Registration Date b) Remarks
1	a) Hermann C. Starck GmbH & Co. KG b) Goslar	a) Each general partner holds sole power or representation. Each general partner is entitled to transact legal business on behalf of the Partnership with himself in his own name or as representative of a third party. b) General partner: H.C. Starck Verwaltungs-GmbH, Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 200307).	4	5 a) Limited Commercial Partnership b) Limited partner: H.C. Starck GmbH, Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 110660) Contribution: 10,000.00 EURO	6 a) 12/07/2006 Senfleben
2				b) Subject to the Spin-Off and 'Take-Over Agreement' dated 15/09/2006 and to the resolutions of approval adopted in partners' meeting dated 15/09/2006 and the shareholders meeting of the transferring entity dated 15/09/2006 the Partnership has taken over parts of the assets of H.C. Starck GmbH with domicile in Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 110660) as a whole by way of transformation by spin-off. As to the assets to be spin-off it is hereby referred to the Spin-Off Agreement. The Spin-Off will not take effect before registration in the register folio of the transferring entity. c) After increase of the contribution by 990,000.00 EURO for the purpose of implementation of the spin-off of individual assets of H.C. Starck GmbH as transferring entity to Hermann C. Starck GmbH & Co. KG as entity taking over and limited partner as follows: Limited partners: H.C. Starck GmbH, Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 110660), contribution: 1,000,000.00 EURO b) The spin-off has taken effect upon registration in the register folio of the transferring entity, i.e. on 26/09/2006.	a) 25/09/2006 Fahldieck b) Agreements and approvals folio 26 ff. Special Volume
3				c) The limited partner H.C. Starck GmbH changed the firm name into Bayer Beteiligungsverwaltung Goslar GmbH. Now limited partner: Bayer Beteiligungsverwaltung Goslar GmbH, Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 110660), contribution: 1,000,000.00 EURO.	a) 26/09/2006 Fahldieck
4	a) Due to the alteration of the firm name now H.C. Starck GmbH & Co. KG			c) The limited partner H.C. Starck GmbH changed the firm name into Bayer Beteiligungsverwaltung Goslar GmbH. Now limited partner: Bayer Beteiligungsverwaltung Goslar GmbH, Goslar (Amtsgericht Braunschweig <sup>1</sup> HRB 110660), contribution: 1,000,000.00 EURO.	a) 26/09/2006 Fahldieck

Regi- stration No.	a) Firm Name b) Domicile, Establishment, Branches c) Objective of the Company	a) General Representation b) Owners, General Partners, Managing Directors, Managing Board, Authorised Representatives and Special Power of Attorney	Prokura <sup>2</sup>	a) Legal Form, Commencement, Articles of Association b) Other Legal Relations c) Limited Partners, Members	a) Registration Date b) Remarks
1	2	3	4	5	6
5				<p>c) By way of subrogation of Bayer Beteiligungsgesellschaft Goslar GmbH joined as limited partner: limited partner: Drachenfelssee 482 VV GmbH, Frankfurt a.M. (Amtsgericht Frankfurt a.M., HRB 78956), contribution 1,000,000.00 EUR Withdrawn as limited partner: Withdrawn limited partner: Bayer Beteiligungsgesellschaft Goslar GmbH, Goslar (Amtsgericht Braunschweig HRB 110660)</p>	<p>a) 28/02/2007 Schult</p>
				<p>b) The partnership assets, i.e. all of the assets and liabilities, passed to the sole limited partner H.C. Starck GmbH by way of accrual. H.C. Starck GmbH will not continue the firm. So the partnership has been dissolved and has expired without liquidation.</p> <p>c) Due to the transfer of the domicile from Frankfurt am Main to Goslar and due to the change of the firm name now limited partner: H.C. Starck GmbH, Goslar (Amtsgericht Braunschweig HRB200743), Contribution: 1,000,000.00 EURO.</p>	<p>a) 07/06/2007 Fahldieck</p>

<sup>1</sup> Approximately Braunschweig Local Court

<sup>2</sup> Approx. General Commercial Power of Attorney

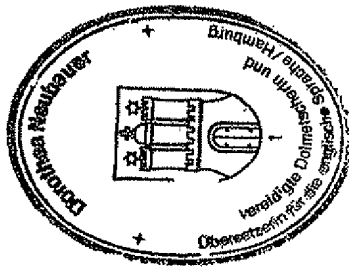
<sup>3</sup> Approximately Frankfurt Local Court  
(translator's notes)

The above translation is certified to be true and complete. The German text submitted for translation was the attached printout (2 pages).

Hamburg, 23 June 2007

*D. Neubaue*

Dorothea Neubaue  
Sworn translator of the Free and  
Hanseatic City of Hamburg



# Translation from German

Commercial Register B of the Amtsgericht Braunschweig			Printout		Page 1 of 2		Number of the Firm: HRB 290743	
Registration No.	Firm Name Domicile Objective of the Company	Nominal or Share Capital	Fetched on 29 <sup>th</sup> May 2007 at 15:27 hours		a) Memorandum and Articles of Association b) Other Legal Relations		a) Registration Date and Confirmation b) Remarks	
			a) General Representation b) Board of Management, Governing Body, Managing Directors, General Partner, Chief Executives, Authorised Representatives and Special Power of Attorney	Prokura <sup>2</sup>				
1	a) H.C. Starck GmbH b) Goslar c) The objective of the Company is the acquisition and holding of interests and the provision of services against payment to third parties and associated companies, in particular to holding and sister companies. These services may include, among others, management, brokerage, marketing and consulting services and also financial services. Within the scope of the financial services the Company may particularly finance its subsidiaries by granting them members' loans or it may arrange for credits by third parties, however, the Company may not perform banking activities within the meaning of the Banking Act. The services may be rendered both by the Company's own employees and by the resale of purchased services.	3 10,000,000.00 EUR	4 a) If only one managing director has been appointed, he shall solely represent the Company. If several Managing Directors have been appointed, the Company shall be represented by two Managing Directors or by one Managing Director acting jointly with a Prokura <sup>2</sup> . b) Managing Director: Böhm, Gregor Andreas, Munich, * 13/10/1964, authorised to enter into legal transactions on behalf of the Company with himself as representative of a third party. Managing Director: Plunze, Wilhelm, Bad Homburg v.d. Höhe, * 15/09/1952, authorised to enter into legal transactions on behalf of the Company with himself as representative of a third party.	5	6 a) Company with Limited Liability Articles dated 6 <sup>th</sup> November 2006  The Shareholders' Meeting dated 10 <sup>th</sup> Nov. 2006 with the Addendum dated 15 <sup>th</sup> Dec. 2006 adopted the resolution to amend the Articles in § 1 (Domicile), i.e. the transfer of the domicile from Bonn (formerly Amtsgericht Bonn <sup>4</sup> , HRB 14897) to Frankfurt am Main and in § 2 (Objective of the Company).  The Shareholders' Meeting dated 30 <sup>th</sup> Jan. 2007 adopted the resolution to increase the share capital by 9,975,000.00 EUR and to amend § 3 of the Articles (Share Capital) and § 1 sentence 1 (Firm Name).  Moreover, the Shareholders' Meeting dated 30 <sup>th</sup> Jan. 2007 adopted the resolution to amend § 1 of the Articles (-; Domicile) thus deciding to transfer the domicile from Frankfurt am Main (as yet Amtsgericht Frankfurt am Main <sup>5</sup> HRB 78956) to Goslar	7 a) 20/04/2007 Fahldieck		

Commercial Register B of the Amtsgericht Braunschweig				Printout		Page 2 of 2		Number of the Firm: HRB 200743	
Fetched on 25 <sup>th</sup> May 2007 at 15:27 hours				Prokura		Memorandum and Articles of Association		Registration Date and Confirmation	
Regi- stration No.	a) Firm Name b) Domicile c) Objective of the Company	Nominal or Share Capital	a) General Representation b) Board of Management, Governing Body, Managing Directors, General Partner, Chief Executives, Authorised Representatives and Special Power of Attorney	Other Legal Relations		Remarks		Remarks	
1	2	3	4	5	6	7			
2									
3									
4									

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- <sup>1</sup> Approximately Braunschweig Local Court  
<sup>2</sup> Holder of Prokura, i.e. of General Commercial Power of Attorney  
<sup>3</sup> Approx. General Commercial Power of Attorney  
<sup>4</sup> Approximately Bonn Local Court  
<sup>5</sup> Approximately Frankfurt Local Court  
(translator's notes)

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Translated by  
Dorothea Neubauer, Hamburg